



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2726

Introduced 1/20/2006, by Sen. Louis S. Viverito

SYNOPSIS AS INTRODUCED:

20 ILCS 1825/3
820 ILCS 315/3

from Ch. 129, par. 403
from Ch. 48, par. 283

Amends the Line of Duty Compensation Act. Provides that, if no beneficiary is designated or surviving at the death of an Armed Forces member killed in the line of duty, compensation under the Act shall be paid in the following priority: to the surviving beneficiaries designated in the Armed Forces member's Servicemembers' Group Life Insurance Election and Certificate; in accordance with the Armed Forces member's legally binding will; or in accordance with the provisions of the Act that apply to other line-of-duty deaths. Applies if compensation was not paid before the effective date of the amendatory Act. Amends the Illinois National Guardsman's Compensation Act to make conforming changes. Effective immediately.

LRB094 16792 WGH 52063 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning certain individuals killed in the line of
2 duty.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 5. The Illinois National Guardsman's Compensation
6 Act is amended by changing Section 3 as follows:

7 (20 ILCS 1825/3) (from Ch. 129, par. 403)

8 Sec. 3. If a claim therefor is made within one year of the
9 date of the death of the guardsman, compensation shall be paid
10 to the person designated by such guardsman killed while on
11 duty. The amount of compensation shall be equal to the greater
12 of (i) \$100,000 or (ii) the amount of compensation payable
13 under Section 3 of the Line of Duty Compensation Act when an
14 individual to whom that Act applies is killed in the line of
15 duty. If no beneficiary is designated or surviving at the death
16 of the guardsman killed while on duty, the compensation shall
17 be paid as follows:

18 (a) When there is a surviving spouse, the entire sum
19 shall be paid to the spouse.

20 (b) When there is no surviving spouse, but a surviving
21 descendant of the decedent, the entire sum shall be paid to
22 the decedent's descendants per stirpes.

23 (c) When there is neither a surviving spouse nor a
24 surviving descendant, the entire sum shall be paid to the
25 parents of the decedent in equal parts, allowing to the
26 surviving parent, if one is dead, the entire sum.

27 (d) When there is no surviving spouse, descendant or
28 parent of the decedent, but there are surviving brothers or
29 sisters, or descendants of a brother or sister, who were
30 receiving their principal support from the decedent at his
31 death, the entire sum shall be paid, in equal parts, to the
32 dependent brothers or sisters or dependent descendant of a

1 brother or sister. Dependency shall be determined by the
2 Court of Claims based upon the investigation and report of
3 the Attorney General.

4 When there is no beneficiary designated or surviving at the
5 death of the guardsman killed while on duty and no surviving
6 spouse, descendant, parent, dependent brother or sister, or
7 dependent descendant of a brother or sister, no compensation
8 shall be payable under this Act.

9 No part of such compensation may be paid to any other
10 person for any efforts in securing such compensation.

11 If compensation is payable under the Line of Duty
12 Compensation Act because of the death of a guardsman, the
13 provisions of that Act shall apply to the payment of that
14 compensation.

15 (Source: P.A. 93-1047, eff. 10-18-04.)

16 Section 10. The Line of Duty Compensation Act is amended by
17 changing Section 3 as follows:

18 (820 ILCS 315/3) (from Ch. 48, par. 283)

19 Sec. 3. Duty death benefit.

20 (a) If a claim therefor is made within one year of the date
21 of death of a law enforcement officer, civil defense worker,
22 civil air patrol member, paramedic, fireman, chaplain, State
23 employee, or Armed Forces member killed in the line of duty,
24 compensation shall be paid to the person designated by the law
25 enforcement officer, civil defense worker, civil air patrol
26 member, paramedic, fireman, chaplain, State employee, or Armed
27 Forces member. However, if the Armed Forces member was killed
28 in the line of duty before October 18, 2004, the claim must be
29 made within one year of October 18, 2004.

30 (b) The amount of compensation, except for an Armed Forces
31 member, shall be \$10,000 if the death in the line of duty
32 occurred prior to January 1, 1974; \$20,000 if such death
33 occurred after December 31, 1973 and before July 1, 1983;
34 \$50,000 if such death occurred on or after July 1, 1983 and

1 before January 1, 1996; \$100,000 if the death occurred on or
2 after January 1, 1996 and before May 18, 2001; \$118,000 if the
3 death occurred on or after May 18, 2001 and before July 1,
4 2002; and \$259,038 if the death occurred on or after July 1,
5 2002 and before January 1, 2003. For an Armed Forces member
6 killed in the line of duty (i) at any time before January 1,
7 2005, the compensation is \$259,038 plus amounts equal to the
8 increases for 2003 and 2004 determined under subsection (c) and
9 (ii) on or after January 1, 2005, the compensation is the
10 amount determined under item (i) plus the applicable increases
11 for 2005 and thereafter determined under subsection (c).

12 (c) Except as provided in subsection (b), for deaths
13 occurring on or after January 1, 2003, the death compensation
14 rate for death in the line of duty occurring in a particular
15 calendar year shall be the death compensation rate for death
16 occurring in the previous calendar year (or in the case of
17 deaths occurring in 2003, the rate in effect on December 31,
18 2002) increased by a percentage thereof equal to the percentage
19 increase, if any, in the index known as the Consumer Price
20 Index for All Urban Consumers: U.S. city average, unadjusted,
21 for all items, as published by the United States Department of
22 Labor, Bureau of Labor Statistics, for the 12 months ending
23 with the month of June of that previous calendar year.

24 (d) If no beneficiary is designated or surviving at the
25 death of the law enforcement officer, civil defense worker,
26 civil air patrol member, paramedic, fireman, chaplain, or State
27 employee, ~~or Armed Forces member~~ killed in the line of duty,
28 the compensation shall be paid as follows:

29 (1) when there is a surviving spouse, the entire sum
30 shall be paid to the spouse;

31 (2) when there is no surviving spouse, but a surviving
32 descendant of the decedent, the entire sum shall be paid to
33 the decedent's descendants per stirpes;

34 (3) when there is neither a surviving spouse nor a
35 surviving descendant, the entire sum shall be paid to the
36 parents of the decedent in equal parts, allowing to the

1 surviving parent, if one is dead, the entire sum; and

2 (4) when there is no surviving spouse, descendant or
3 parent of the decedent, but there are surviving brothers or
4 sisters, or descendants of a brother or sister, who were
5 receiving their principal support from the decedent at his
6 death, the entire sum shall be paid, in equal parts, to the
7 dependent brothers or sisters or dependent descendant of a
8 brother or sister. Dependency shall be determined by the
9 Court of Claims based upon the investigation and report of
10 the Attorney General.

11 (d-1) If no beneficiary is designated or surviving at the
12 death of the Armed Forces member killed in the line of duty,
13 the compensation shall be paid in entirety according to the
14 designation made on the most recent version of the Armed Forces
15 member's Servicemembers' Group Life Insurance Election and
16 Certificate ("SGLI").

17 If no SGLI form exists at the time of the Armed Forces
18 member's death, the compensation shall be paid in accordance
19 with a legally binding will left by the Armed Forces member.

20 If no SGLI form exists for the Armed Forces member and the
21 Armed Forces member did not leave a legally binding will, the
22 compensation shall be paid pursuant to subsection (d) of this
23 Section.

24 This subsection (d-1) applies to any pending case as long
25 as compensation has not been paid to any party before the
26 effective date of this amendatory Act of the 94th General
27 Assembly.

28 (e) When there is no beneficiary designated or surviving at
29 the death of the law enforcement officer, civil defense worker,
30 civil air patrol member, paramedic, fireman, chaplain, State
31 employee, or Armed Forces member killed in the line of duty and
32 no surviving spouse, descendant, parent, dependent brother or
33 sister, or dependent descendant of a brother or sister, no
34 compensation shall be payable under this Act.

35 (f) No part of such compensation may be paid to any other
36 person for any efforts in securing such compensation.

1 (g) This amendatory Act of the 93rd General Assembly
2 applies to claims made on or after October 18, 2004 with
3 respect to an Armed Forces member killed in the line of duty.

4 (Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02; 93-1047,
5 eff. 10-18-04; 93-1073, eff. 1-18-05.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.